IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

LA.App..No. 124 of 2007()

LAR.5/2002 of SUB COURT, CHERTHALA

APPELLANT: 2ND RESPONDENT

THE MANAGING DIRECTOR,
KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION,
THIRUVANANTHAPURAM.

BY ADV. SRI.V.JAYAPRADEEP, SC, KSIDC

RESPONDENTS: 1ST RESPONDENT/CLAIMANT/
2ND RESPONDENT/1ST RES.
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1. JANAKIAMMA LEELAMMA,
SANKARAMANGALATHU, PALLIPPURAM.

2. GOPALAKRISHNA PANICKER,
-DO-

3. LEKSHMANA KUMAR,
-DO-

4. MADHUSOODHANAN,
-DO-

5. PRADEEP KUMAR,
-DO-

6. LEELAMMA SINDHU,
-DO-

7. KERALA STATE, REP. BY THE
SPL. TAHSILDAR (LA), INDUSTRIAL GROWTH CENTRE,
CHERTHALA.

BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH
BY GOVERNMENT PLEADER SHRI BASANT BALAJI R7

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 24/10/2007, ALONG WITH LAA NO. 153 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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LA.A. NO. 124 OF 2007
AND
L.A.A. NO. 153 OF 2007

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Dated this the 24th day of October, 2007

J U D G M E N T

These two appeals are filed by the Requisitioning Authority challenging the decrees and judgment passed by the Sub Court, Cherthala, in L.A.R. Nos.5 and 22 of 2002. There were other land acquisition references also in respect of the same acquisition. Court below had relied on Exhibit A2 judgment rendered by that court itself in L.A.R.No.29 of 2001 for awarding enhanced land value. Challenging the judgment in L.A.R. No.29 of 2001, Requisitioning Authority filed L.A.A. No.725 of 2004. This Court allowed the appeal, set aside the decree and judgment passed in the LAR and remanded the case for fresh consideration. Since the very foundation for the impugned decree and judgment has gone, I am of the view that the decrees and judgment in these cases are also to be set aside and the matter remanded to the court below for fresh consideration in accordance with law.

In the result, both the appeals are allowed. The decrees

and judgment passed by the court below in L.A.R. Nos.5 and 22 of 2002 are hereby set aside and the cases are remanded. Learned Sub Judge is directed to take L.A.R. Nos.5 and 22 of 2002 back to file and dispose of the same afresh in accordance with law after giving both sides opportunity to adduce further evidence, if so advised.

Parties are directed to appear before the Sub Court, Cherthala on 5.12.2007.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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L.A.A. NO. 124 OF 2007
AND
L.A.A. NO. 153 OF 2007

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J U D G M E N T

24TH OCTOBER, 2007